



## DEPARTMENT OF GEORGIA POLICY HANDLING OF COMPLAINTS

Reviewing Body: Risk & Compliance & Human Resources Committees

Reviewed Date: 03/18/24

Adopted By: Department Executive Committee

Adopted Date: 03/22/24

### Policy Statement

It is the policy of the American Legion Auxiliary (ALA), Department of Georgia (Department), a public benefit 501(c)(19) not-for-profit veterans organization auxiliary headquartered in Stockbridge Georgia to take seriously every complaint, investigate promptly, and apply appropriate remedial action to reported violations of the body of governing documents.

### Policy Definitions

**Confidentiality** is the state of keeping secret or private any personally identifiable information concerning the complainant, or the complaint made, unless the complainant consents to disclosure. Those involved in the investigation and handling of complaints at all levels shall hold secret all information relating to the complainant and the accused as it relates to the specific complaint. While the expectation of confidentiality is paramount in any situation wherein a member feels compelled to report an allegation or suspicion of ethics violations or wrongdoing, it is not promised as an absolute. Violation of the Department of Georgia Confidentiality Policy and Agreement will result in immediate termination of membership in the American Legion Auxiliary.

**Authority:** This policy shall adhere to Roberts Rules of Order, Newly Revised (RONR).

### Policy

Members of the Department at all levels, Officers, District Presidents, Past Department Presidents, National Executive Committeeperson, staff, Department Committee Chairpersons and members, are expected to uphold and follow all governing documents of the ALA including but not limited to the National, Department, District and Unit Constitution, Bylaws, and Standing Rules; all policies, processes and procedures adopted by National and Department, the Code of Professional Conduct, the Code of Ethics and the laws of the State of Georgia.

Conduct that is a violation of the referenced documents or detrimental to the best interests of the organization may be escalated as outlined in this document. Examples of violations could include:

- Violating any governing document listed above;
- Violations of federal, state, or local laws that result in a conviction, or conduct that presents potential liability risk, risk of reputation, or hinders the mission of the ALA;
- Falsifying documents;
- Conviction of offenses related to fraud or embezzlement;
- Assaulting another member physically or verbally (this will be up to the member to decide whether they want to prosecute);
- Harassment and unlawful discrimination (sexual, race, religion, national origin, gender, gender identity or sexual orientation, etc.)
- Violating confidentiality of Department Executive Committee Executive Session;
- Repeated pattern of violations.

## Process

**Accountability:** All members and leaders accept responsibility for effectively handling complaints.

**Member Focused Approach:** The Department is committed to efficient and fair resolution of complaints and will actively solicit feedback and acknowledge the right to complain and ensure the complainant feels confident that allegations will be taken seriously.

**Objectivity:** Each complaint shall be addressed in a timely, equitable, objective, and unbiased manner. There will be no repercussions or retaliation to the complainant for making a complaint.

**The Unit shall manage unit complaints** as outlined in the Unit's governing documents and/or the protocol for resolving conflict as outlined in the *ALA Unit Guide Book*. If the Unit Executive Committee feels it has exhausted all avenues of resolution, it may choose to escalate the complaint to the District President.

1. The District President will guide the unit to follow all processes for the handling of complaints in accordance with the governing documents of the unit, district, and department as outlined in the *ALA Unit Guide Book*.
2. If the District President exhausts all avenues of resolution, the District President will contact the Department Liaison assigned to the District.
3. The Department Liaison will assist the unit as outlined above and if unable to solve the complaint, s/he may escalate the issue to the Department President, whereupon s/he shall assign the resolution of the complaint per this policy and process.

**The District shall manage district complaints** in accordance with the District's Constitution, Bylaws and Standing Rules, and their policy regarding Complaints Handling, along with using the principles outlined in the *ALA Unit Guide Book*.

1. The District President will contact the Department Liaison to investigate the complaint.
2. If the Department Liaison exhausts all avenues of resolution, s/he may escalate the issue to the Department President, whereupon s/he shall assign the resolution of the complaint per this policy and process.

### **Department complaints**

1. Members need to feel unintimidated, unafraid, and unencumbered to submit complaints via whatever manner is practical – a phone call, email, written note, or letter. It is preferable complainants submit in writing via email or U.S. mail any complaint to the Department President (President) for investigation. If the complainant levies a concern about the Department President, the complainant shall submit the complaint to the Department First Vice President for investigation. All complaints whether against an individual or at the Unit, District or Department level must include the following information:
  - a. The complete name, address, and contact information of the complainant;
  - b. An outline of alleged incident/complaint including the person(s) the complaint is about; the location, date, time of incident; and names and contact information of witnesses;
  - c. Evidence, if any, related to the complaint (photos, documents, recordings, etc.).
2. The President or as appropriate, the First Vice President shall form a special investigative committee comprised of three members (one serving as chair) of the Department Executive Committee who are neutral and who shall demonstrate confidentiality and good character. The members of this committee are subject to the approval of the Department Executive Committee.
3. The President or as appropriate, the First Vice President shall confidentially send via email or U.S. mail confirmation and acknowledgment of the complaint to complainant within two (2) business days of receipt of complaint.
4. A Department Executive Committee special meeting to ratify the selected special investigative committee members must occur within fifteen (15) business days of receipt of complaint.
5. The special investigative committee shall consider the complaint in the following context:
  - a. Does the action damage the reputation of the American Legion Auxiliary?

- b. Does the action harm the organization’s well-being?
  - c. Does the action hamper the organization in its mission?
6. The investigation shall be completed within forty-five (45) calendar days of the ratification of the special investigative committee. Upon completion of the investigation, the special investigative committee shall prepare a written report and deliver it to the Department Executive Committee, via email, the recommendation(s) for action.
    - a. If the recommendation is no action, a signed report indicating no action will be confidentially retained at the Department office. The President or as appropriate, the First Vice President shall notify the complainant of the findings.
    - b. If the recommendation is to prefer charges, the Department Executive Committee will follow the process adopted for a hearing that follows RONR.
  7. Any discussions related to complaints that require the Department Executive Committee review shall only occur during executive session of the Department Executive Committee.
  8. If any person involved in the review of a complaint, whether a member of the special investigative committee or the Department Executive Committee violates the confidentiality required by this policy and the Department’s Confidentiality Policy, the person committing the violation will be subject to discipline including the possible expulsion from the American Legion Auxiliary
  9. If the complaint is against a Department employee, the Human Resources Chair shall automatically be a member of the special investigative committee.
  10. If the complaint is against the National Executive Committee person (NEC) or Alternate (NEC), the process of reporting the complaint shall follow the National ALA policy and process submitting the complaint to the national president, national vice president, national secretary, national treasurer, or any combination of these four (4) officers depending on the complaint.

**Procedures:**

**Accessibility:** This policy shall be readily accessible on the Department website with all other Policies to all members, leaders, vendors, and staff and include details on making and resolving complaints.

**Continual Improvement:** This policy shall be reviewed periodically, to enhance its efficient delivery of effective outcomes. Adopted changes shall be noted in the table of updates at the end of this document.

**Frequently Asked Questions**

*If there are frequent questions, they will be added here.*

**Related Information**

- ALA Unit Guide Book, 2022 edition, specifically Chapter 8, Resolving Conflict.
- ALA Department of Georgia Confidentiality Policy and Agreement.
- Roberts Rules of Order, Newly Revised (RONR), specifically 12<sup>th</sup> Edition, Chapter 20 (61, 62, 63).
- Department Operations Guidebook, 2016 edition, updated: Chapter 8, Membership; Section 3 Civility and Code of Ethics and Chapter 5, Human Resources.

Date Revised (or established)	Description of Revision	Adopted By:
03/22/24	Established	Department Executive Committee